

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 02, 2021

SEAN F. MCAVOY, CLERK

U.S.A. vs. Hammer, Anthony Ray Docket No. 0980 1:20CR02045-SAB-1

Petition for Action on Conditions of Pretrial Release

COMES NOW, Linda J. Leavitt, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Anthony Ray Hammer, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Mary K. Dimke, sitting in the court at Yakima, Washington, on the 23rd day of December 2020, under the following conditions:

Standard Condition #9: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

Special Condition #11: Defendant shall participate in a program of alcohol monitoring. Defendant shall have with him at all times, an alcohol monitoring device under the supervision of the United States Probation/Pretrial Services Office. Defendant shall use the device when instructed, up to six times per day. Defendant shall pay all or part of the cost of the program based upon ability to pay as determined by the United States Probation/Pretrial Services Office.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #2: Mr. Hammer is alleged to be in violation of his pretrial release conditions by failing to submit to his portable Breathalyzer test as directed on May 31, 2021, during the 2 a.m. to 4 a.m. time frame.

Conditions of pretrial release were reviewed and signed by Mr. Hammer on December 23, 2020, acknowledging an understanding of his requirements to include special condition number 11.

On June 1, 2021, this officer reviewed a report via email from Smart Start, the portable Breathalyzer testing program Mr. Hammer is under, reflecting he failed to submit to his required test as scheduled at 4 a.m. on May 31, 2021. This officer made contact with Mr. Hammer via text message on June 1, 2021, asking why he missed his Breathalyzer test. According to Mr. Hammer, he stated "I thought I had taken the test. I was super tired from being at the lake with my son." Mr. Hammer did not submit another test until 1:45 p.m. on May 31, 2021, which to his credit was negative; however, there was a 9-hour gap between tests. To be noted, Mr. Hammer requested the testing time frame of 2 a.m. to 4 a.m. as it coincides with his work schedule. This officer asked Mr. Hammer if he needed the 2 a.m. to 4 a.m. time frame moved as he continues to skip his tests. Mr. Hammer advised he did not need it moved.

Violation #3: Mr. Hammer is alleged to be in violation of his pretrial release conditions by consuming controlled substance methamphetamine on or about May 18, 2021.

Conditions of pretrial release were reviewed and signed by Mr. Hammer on December 23, 2020, acknowledging an understanding of his requirements to include standard condition number 9.

On May 19, 2021, Mr. Hammer submitted a random urine sample at Merit Resource Services (Merit). The sample tested presumptive positive for methamphetamine. The sample was sent to Abbott Laboratory for confirmation. Mr. Hammer denied consuming methamphetamine and signed a denial report advising he took cold medication at work. As of the submission of this report, results are still pending.

Re: Hammer, Anthony Ray**June 2, 2021****Page 2**

On June 1, 2021, Mr. Hammer reported to the United States Probation Office as directed by the below said officer to submit a random urine sample. The sample tested presumptive positive for methamphetamine. When confronted about the sample and his prior denial dated May 19, 2021, at Merit, Mr. Hammer admitted to Supervisory United States Probation Officer (SUPSO) Zepeda and this officer, he consumed methamphetamine on or about May 18, 2021. Mr. Hammer signed a drug use admission form admitting to methamphetamine use as noted above.

Violation #4: Mr. Hammer is alleged to be in violation of his pretrial release conditions by consuming controlled substance methamphetamine on or about May 27, 2021.

Conditions of pretrial release were reviewed and signed by Mr. Hammer on December 23, 2020, acknowledging an understanding of his requirements to include standard condition number 9.

On June 1, 2021, Mr. Hammer reported to the United States Probation Office as directed by the below said officer to submit a random urine sample. The sample tested presumptive positive for methamphetamine. Mr. Hammer admitted to SUSPO Zepeda and this officer he consumed methamphetamine on or about May 27, 2021. He signed a drug use admission form admitting to methamphetamine use as noted above.

PRAYING THAT THE COURT WILL INCORPORATE THE ABOVE VIOLATIONS WITH THE PENDING
PETITION BEFORE THE COURT

I declare under the penalty of perjury
that the foregoing is true and correct.


Executed on: June 2, 2021

by s/Linda J. Leavitt

Linda J. Leavitt
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
- ☐ Defendant to appear before the Judge assigned to the ca
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other

m. k. Dimke 

Signature of Judicial Officer

6/2/2021

Date